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# HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

## Situation of human rights in the Sudan

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in the Sudan prepared by Mr. Gáspár Bíró, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1994/79 of 9 March 1994 and Economic and Social Council decision 1994/265 of 25 July 1994.

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Annex

# INTERIM REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE SUDAN PREPARED BY MR. GÁSPÁR BÍRÓ, SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS, IN ACCORDANCE WITH COMMISSION RESOLUTION 1994/79 OF 9 MARCH 1994 AND ECONOMIC AND SOCIAL COUNCIL DECISION 1994/265 OF 25 JULY 1994

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# I. INTRODUCTION

## A. Mandate of the Special Rapporteur

1. The present report is the second interim report submitted by the Special Rapporteur to the General Assembly and the third report by the Special Rapporteur in this capacity since the situation of human rights in the Sudan was discussed by the Commission on Human Rights at its forty-seventh session, in 1991, under the confidential procedure established by the Economic and Social Council in its resolution 1503 (XLVIII) of 27 May 1970. It continued to be discussed under the confidential procedure at the Commission's sessions in 1992 and 1993. At its forty-ninth session, in 1993, the Commission on Human Rights decided, in its resolution 1993/60 of 10 March, entitled "Situation of human rights in the Sudan", that the situation of human rights in the Sudan should be examined under the public procedure. At its fiftieth session, in 1994, the Commission on Human Rights decided, in its resolution 1994/79 of 9 March, entitled "Situation of human rights in the Sudan", to extend the mandate of the Special Rapporteur for an additional year.

2. In its resolution 1994/79, recalling its resolution 1993/60 of 10 March 1993 as well as General Assembly resolutions 47/142 of 18 December 1992 and 48/147 of 20 December 1993 on the situation in the Sudan, the Commission noted with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture; also noted with concern the latest report of the Special Rapporteur on the situation of human rights in the Sudan; 1/ was disturbed by the failure of the Government of the Sudan to provide a full impartial investigation and report of the killings of Sudanese employees of foreign government relief organizations; noted the widespread conditions of armed conflict existing within the Sudan, whose continuation only exacerbated the deterioration of the human rights situation, leading to further violations by all sides in the conflict; expressed deep concern that access by the civilian population to humanitarian assistance had been impeded, but hoping the recent dialogue between the Government of the Sudan, donor Governments and international non-governmental organizations (NGOs) would result in improved delivery of humanitarian aid; also expressed deep concern about increasing air attacks by the Sudanese air force in southern Sudan resulting in great harm and injury to the civilian population; and expressed its alarm at the large number of internally displaced persons, notably in the Nuba mountain region, and victims of discrimination in the Sudan, including women, children and members of minorities, who had been forcibly displaced in violation of their human rights.

3. In the resolution, the Commission, emphasizing that it was essential to put an end to the serious deterioration of the human rights situation in the Sudan, expressed its deep concern at the continuing and serious human rights violations in the Sudan, including summary executions, detentions without due process, abductions, forced displacement of persons and torture; urged the Government of the Sudan to respect fully human rights, and called upon all parties to cooperate in order to ensure such respect; noted with displeasure the interference by the Government with the visit to the Sudan of the Special Rapporteur during September 1993; called upon the Government to comply with

applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan was a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoyed fully the rights recognized in those instruments; and also called upon the Government of the Sudan to explain without delay the circumstances of the recent air attacks on civilian targets in southern Sudan.

4. The Commission also urged all parties to the conflict to agree to an immediate cease-fire and to cooperate fully with the present regional initiative of the heads of State of the Intergovernmental Authority for Drought and Development (IGADD). Further, it strongly urged all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people. It also called upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, to halt the use of weapons against the civilian population, to protect all civilians, including women, children and members of minorities, from violations, including forcible displacement, arbitrary detention, abductions, ill-treatment, torture and summary execution. In addition, it called upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims. It also called upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate in the initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat to deliver assistance to all persons in need.

5. Also in the resolution, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for an additional year; requested the Secretary-General to continue to give the Special Rapporteur all necessary assistance in the discharge of his mandate; called upon the Government of the Sudan to extend its full and unreserved cooperation and to assist the Special Rapporteur in the ongoing discharge of his mandate and, to that end, to take all necessary steps to ensure that the Special Rapporteur had free and unlimited access to any person in the Sudan with whom he wished to meet, with no threats or reprisals. The Special Rapporteur was requested to report his findings and recommendations to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session.

6. At its substantive session of 1994, the Economic and Social Council, by its decision 1994/265 of 25 July 1994, approved Commission resolution 1994/79.

7. In taking up his task to study the situation of human rights in the Sudan, the Special Rapporteur has respected the terms of Commission resolution 1994/79. In this regard, it is to be noted that, in the resolution, the Commission addresses not only the Government of the Sudan, but also makes reference to the armed conflict within the Sudan and all parties involved in it. The Special Rapporteur will also address therefore human rights abuses committed by parties other than the Government of the Sudan, although it is clear that the

Government, claiming sovereignty over the whole territory of the State, is bound to respect the human rights obligations and is to be held responsible should it not abide by these obligations.

8. The present report was finalized by the Special Rapporteur on 30 September 1994.

## B. Activities of the Special Rapporteur

9. Following the approval of the mandate by the Economic and Social Council, the Special Rapporteur addressed a letter dated 1 August 1994 to the Permanent Mission of the Sudan in Geneva, requesting an official visit to the country. Although Commission resolution 1994/79 urged the Government of the Sudan to continue cooperation with the Special Rapporteur, as of 30 September 1994 the Special Rapporteur had received no response from the Government concerning his request.

10. The Special Rapporteur visited Nairobi on 1 and 2 August 1994, where he met representatives of United Nations agencies and representatives of international NGOs that provide humanitarian assistance in southern Sudan, representatives of the Sudan People's Liberation Army (SPLA)-Torit (mainstream) and SPLA-Nasir (united), 2/ and a number of individual Sudanese citizens who provided testimony on the current situation of human rights.

11. From 2 to 7 August the Special Rapporteur visited Uganda, where he had meetings with representatives of United Nations agencies in Kampala and then travelled to Arua and Koboko in northern Uganda to visit Sudanese refugee camps. In Arua he had meetings with local authorities and representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR). In the camps around Koboko, as well as at a reception centre for Sudanese refugees situated north of Koboko near the Ugandan-Sudanese border, the Special Rapporteur collected testimony from Sudanese refugees, including recent arrivals from locations and camps for displaced persons in southern Sudan. He also met with representatives of United Nations agencies and international NGOs who provide humanitarian assistance to the refugees and to the people in southern Sudan.

12. In Cairo, between 8 and 10 August, the Special Rapporteur met with representatives of United Nations agencies, representatives of Sudanese organizations in Egypt and a number of individual Sudanese citizens, who were able to report on the current situation of human rights in the Sudan and who were able to provide testimony about what they have witnessed since the time of the Special Rapporteur's visit in December 1993.

13. In the present interim report, the Special Rapporteur has decided to concentrate on the issues enumerated in the table of contents. In his report to the fifty-first session of the Commission on Human Rights, he will report fully on all allegations concerning human rights violations in the Sudan.

## II. LEGAL FRAMEWORK

### A. General obligations of the Government of the Sudan

14. The obligations under international law which the Sudan is bound to respect, reside, in the first place, in the international instruments to which the Sudan has acceded. As a State Member of the United Nations, the Sudan is bound by the Charter of the United Nations. Further, it is obliged to respect the human rights and fundamental freedoms of all persons within its territory, as set out inter alia in the following instruments to which the Sudan is a party: International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Rights of the Child; the Slavery Convention, as amended; Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; Convention relating to the Status of Refugees and the Additional Protocol thereto.

15. As a member of the International Labour Organization (ILO), the Sudan has ratified its Conventions concerning Forced Labour (No. 29), the Abolition of Forced Labour (No. 105), the Right to Organize and Collective Bargaining (No. 98), Employment Policy (No. 122) and Discrimination (Employment and Occupation) (No. 111).

16. Further, the Sudan signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Although the signature has not yet been followed by ratification, the Sudan has, by signing, shown its intention to accept the obligations under this Convention and, under customary international law, as reflected in the Vienna Convention on the Law of Treaties, is obligated not to do anything that would defeat the object and purpose of the Convention against Torture, pending a decision on ratification.

17. In addition to the obligations arising from conventional international law, the Sudan is also bound to respect the standards of international customary law.

### B. The context of violations, with special reference to violations of humanitarian law

18. Most of the violations reported are to be considered in the context of a 10-year civil war in the south, which has caused famine and the displacement of millions of Sudanese inside the country and the flight of many others to neighbouring countries.

19. However, this general context does not exonerate any of the parties to the hostilities from respecting commitments resulting from accession to several international instruments, in the case of the Government of the Sudan, or from respecting the provisions of humanitarian law, including common article 3 of the Geneva Conventions. In this respect, the Government has great responsibility since, with the takeover in June 1989, it assumed responsibility for the rights of all the citizens under its jurisdiction. The abuses committed by the SPLA factions should be considered in the framework of the provisions of the

above-mentioned common article 3 of the Geneva Conventions. The lack of formal international recognition of SPLA should not be considered as a factor that exonerates its members from abiding by relevant provisions of the Geneva Conventions.

## III. REPORTED HUMAN RIGHTS VIOLATIONS

### A. Northern Sudan

#### 1. Extrajudicial killings and summary executions

20. Previously reported and well documented cases of extrajudicial killings by Sudanese security, army and paramilitary units under the Government of the Sudan's control were never clarified or investigated, although the Government committed itself to this. The Special Rapporteur has no information as to whether the more than 230 cases of alleged extrajudicial killings and summary executions in Juba in 1992 were ever clarified by the Government or whether an official committee appointed in November 1992 to investigate the allegations has issued a report. This issue was largely addressed by the Special Rapporteur in his previous reports to the General Assembly and the Commission on Human Rights.

21. During his mission to Kenya and Egypt in August 1994, the Special Rapporteur received additional information on extrajudicial killings carried out by forces under the control of the Government of the Sudan that took place in Kadugli in the summer of 1992. These cases of summary execution of Nuban intellectuals were well documented and received extensive publicity at the time. A man who met the Special Rapporteur in August 1994 reported that, between June and August 1992, 40 to 50 Nuban prisoners, primarily intellectuals, were held in a secret detention centre in Kadugli. According to the source,

> "Small groups of four or five were taken each day in the afternoons or at midnight to a place called El-Saraf Al-Ahmar, approximately 3 kilometres south of Kadugli, where they were executed. Usually at least one man was returned to the detention centre to tell the others about the story."

The people executed were accused of cooperating with SPLA.

22. It must be recalled that, in paragraph 92 of his 1993 interim report to the General Assembly 3/ the Special Rapporteur referred to a letter dated 6 October 1993 to the Minister of Justice, in which he gave the names of nine persons who were reported to have disappeared from El-Obeid prison. Three of these persons allegedly died as a consequence of torture and ill-treatment: Ismail Sultan (April 1992), Kortbeir Bashir (June 1992) and Ibrahim Bashir (January 1990). The Government of the Sudan replied in December 1993 in an official letter from the Ministry of Justice that these persons had died as the result of natural causes. This reply also reported that other persons "who died a natural death during their stay in the prison" of El Obeid were Issa Sharif Ahmed, Musa Sharif Ahmed and Ramadan Jaksa from Dilling. The reply also mentioned that "after the examination by a doctor, a death certificate was issued showing the cause of death".

## 2. Enforced or involuntary disappearances

23. The cases of disappearances addressed by the Special Rapporteur in his previous report to the Commission 4/ were either not sufficiently clarified by the Government of the Sudan or the official reply was issued only after a long delay. The latest report of the Working Group on Enforced or Involuntary Disappearances notes that the total number of cases transmitted to the Government of the Sudan by the Working Group during the period under its review, i.e. 1993, was six, with no responses from the Government and two cases clarified by NGOs (one person released and one person at liberty). 5/ In a note verbale dated 26 May 1994 from the Permanent Mission of the Sudan in Geneva to the Working Group, it was explained that in some of the cases reported the persons indicated "have not been detained" or that "some were detained by the security for a short period and after that released" or "are still undergoing interrogation" or "were released". The Special Rapporteur would note that, in the case of retired brigadier Mohammed Ahmad Al-Rayah, described in his latest report, 6/ he has received no information on his whereabouts since the security forces ordered his transfer to Sawakin prison in eastern Sudan, nor do his relatives or friends know where he is being detained.

24. Cases of enforced or involuntary disappearances, as previously reported by the Special Rapporteur, usually relate to reports on extrajudicial killings, arrest without warrant and lack of due process of law. A particularly alarming situation has developed concerning cases of disappearances in towns of southern Sudan controlled by the Government. While cases concerning locally or nationally well-known personalities or local workers of foreign humanitarian agencies are well documented and widely publicized, the Special Rapporteur received information during his recent mission on the enforced disappearances of average citizens who do not receive the same degree of publicity. To document these cases in a satisfactory manner would require continuous monitoring in the field.

25. With regard to the case of Parmena Chot Arou, described in paragraph 39 of his latest report and transmitted to the Government of the Sudan by the Working Group, the Government replied in its note verbale dated May 1994 that "the competent authorities state that he was detained for only two weeks and released. However, his relatives later on alleged that he has disappeared. The reports which have reached the competent Sudanese authorities have indicated that he has joined the Rebel Army." The Special Rapporteur was informed that, as of August 1994, Mr. Arou was still missing and that his family has not been provided by the Government of the Sudan with any information as to his whereabouts.

## 3. Torture and other cruel, inhuman or degrading treatment

26. On 1 May 1994 a special court in Khartoum passed prison sentences on five persons who had appeared before the court on charges of plotting against the Government of the Sudan and of planning a series of bombings and explosions in the capital. Ten persons, who are living in exile, were sentenced in absentia and 12 others were acquitted for lack of evidence. The arrests took place in April 1993. Medical examinations carried out following the special court's

judgement established during the trial that eight of the accused were tortured during the investigation. The certificates presented to the court indicated burns on the bodies of six of the accused, which had occurred less than a year before the January 1994 examination. For example, the certificate concerning Osman Mahmoud mentions

> "burns on the back, right side 4 x 3 cm, 38 oval burns between 2 x 8 cm, 3 circular burns on the back on the right at waist level diameter 1 cm, rectangular burn on the right arm, circular burn on right arm, diameter 1 cm, 11 oval burns on the right wrist, oval burns above the left elbow, burns on the right side of stomach 2 x 1 cm, 4 small burns above the stomach, burns on the back of right leg 15 x 7 1/2 cm."

Judge El-Zubeir Mohammed Khalil admitted that some of the accused had been subjected to torture and ill-treatment. According to the group of lawyers who defended the accused during the trial "the prosecution has submitted no evidence to prove that the accused were involved in a plot to overthrow the present regime and assassinate senior officials and popular leaders. The only evidence consisted in statements and confessions by the accused who subsequently retracted them and affirmed that they had been extracted from them under torture. In Islamic law torture is prohibited and confessions extracted under torture are null and void. This is stated explicitly in the Law of Evidence of 1993, which entered into force on 5 February 1994 (arts. 4, 43 and 83) and in article 4 of the Code of Criminal Procedure of 1991." (Special Court to try complaint No. 4274/1993, plea defence of the accused appearing before the Court under arts. 24, 51 (a) and (d) and 61 of the Criminal Code of 1991.)

27. In most of the reported cases of arbitrary arrest and detention without due process of law described below, torture and ill-treatment of detainees were reported. In several cases the Special Rapporteur on the question of torture intervened, seeking information from the Sudanese authorities. It is now widely believed, and the Special Rapporteur endorses this conclusion based on his findings described in his earlier reports to the Commission and the General Assembly, that anyone detained in the Sudan by the security authorities is at risk of ill-treatment, in particular those detained in the secret detention centres, known in the Sudan as "ghost houses".

28. The Special Rapporteur received an alarming report of the death due to torture of Nadir Abdel Hameed Khairy, age 30, who allegedly died in a military hospital in Omdurman on 4 April 1994. It was reported that Mr. Nadir Abdel Hameed Khairy was an agricultural engineer who joined the Ministry of Agriculture in 1988, but was later dismissed by the present Government, allegedly for political reasons. He is said to have been arrested on three separate occasions. Once was reportedly arrested at Khartoum airport as he arrived from Cairo and was accused of having contacts with the banned Umma Party and of carrying messages between the opposition in the country and abroad. His third and latest arrest took place in December 1993. Until 4 April his family had no information on his whereabouts, but it was believed that he was detained in one of the secret detention centres, called "ghost houses", in Khartoum. On 4 April security officers came to tell his wife that her husband was in Omdurman military hospital. She visited him the same day and is said to have been shocked by the severe "swelling and disfiguration" of his body.

According to her, his body carried "obvious marks of severe brutality and torture". When the family went to visit him on 5 April, they were told that he had died and that security officers had collected his remains, which were reportedly not returned to the family.

29. Another case of torture is of Father Aliaba James Surur, a veteran southern politician living in Khartoum, who met the Special Rapporteur during his visits to the Sudan in 1993. Following these meetings he was subjected to arbitrary arrest for short terms and to harassment by the security forces, which are described in paragraph 55 of the Special Rapporteur's 1993 report to the General Assembly. Father Surur is a fragile, elderly man who described his case in a signed letter to the Special Rapporteur as follows:

> "We arrived at the security office at the military headquarters at 6.30 a.m. on 18 May 1994 ... I waited for the officer-in-charge from 6.30 a.m. to 9.45 a.m. A certain young man, probably a major by rank, entered the room and locked the door ... He insisted that I should tell him all that the United States Ambassador said and the American plans against the Sudan. I replied to him that we had not discussed anything against the Sudan. He grew angry and started to hit me severely and told me that he had three options at his discretion: 1. That he would keep me in that room without food indefinitely and I would know what follows; 2. He would arrest and take me to prison where I would not see the sun for the rest of my life; 3. The third option would be to kill me in the room and he would bury me in their compound although it was not worthy to bury a 'Kaffir' (infidel) in such a holy place like their compound. He added that no one would know if he killed me there and then. After having tortured me enough to his satisfaction for nearly 3 1/2 hours, he decided to stop beating me because I had bruises on my face ... I believe they would have let me come home on foot but because of the injuries they have inflicted on me, they decided to bring me back home, by car. I arrived at my house at 1.30 p.m."

Father Surur added to his declaration the following:

> "This is indeed a turning point since the Salvation Revolution Government assumed power in the Sudan. I was detained many times by the security authorities but never at one moment was I beaten and tortured."

### 4. Arbitrary arrest and detention and due process of law

30. Since the submission of his previous report to the Commission on Human Rights, the Special Rapporteur has continuously received reports on cases of arbitrary arrest and detention without due process of law. In February and March 1994 during Ramadan, several members of the Islamic Ansar sect and the Umma Party were arrested and detained. Several arrests followed a speech critical of the Government by Abdel-Mahmud Abbo at Was Nubawi mosque in Omdurman to celebrate the seventeenth day of Ramadan. This day is a special celebration day for the Ansar followers commemorating the battle of Aba Island. Five Umma Party members were subsequently arrested and detained for a few hours.

Following their release they had to report daily to the security headquarters in Khartoum.

31. At least 19 relatives and friends of the officers who were executed in 1990 were arrested by security forces on 10 March 1994. The arrests reportedly took place at a house in Khartoum where the relatives and friends were commemorating the anniversary in the Islamic calendar of the execution. All but four were reportedly released on 16 March. They had reportedly been held at the security headquarters before having been transferred to one of the secret detention centres, a "ghost house". It was reported that they had not suffered any ill-treatment, but they had to sign an undertaking that prohibited them from gathering and opposing the Government in the future and prohibited them from leaving Khartoum without prior permission from the authorities. They were ordered to report to the security headquarters the morning after their release. The others were reportedly released on 17 and 31 March and 5 April. Their prison conditions were reportedly bad. During his previous visits to Khartoum, the Special Rapporteur raised in vain the continuous harassment by the security organs of the relatives of the executed officers every year when they peacefully and privately commemorated the event. The victims of these harassments are primarily women and children.

32. Journalists, trade unionists, lawyers, students and prominent figures of the banned political parties were among those who were subjected to arbitrary arrest and detention without due process of law. Regardless of political, ethnic or religious affiliation, all suspected of opposing the regime or of plotting against the regime are subjected to arbitrary arrest and detention. On 24 February 1994, a journalist working for the newspaper Al-Sudani Al-Dawlia was reportedly arrested in Khartoum for reporting the escape underground of the Secretary General of the banned Communist Party. He was reportedly released on 19 April. On 4 April three other journalists of the same newspaper, Mahjoub Mohammed al Hassan Erwa (editor and a member of the Transitional National Assembly), Ahmad Ali Bagadi and Mutwakil Abdel Daff'eh were arrested in Khartoum for having spread "false news". All three are known to be sympathizers of the Islamic ideology of the Government, but they are critical of both the content and the implementation of some of its policies. Al Sudani Al-Dawlia began publication in the Sudan in January 1994 after the Government announced that it would allow independent newspapers. The newspaper was banned in April 1994 and all assets were confiscated.

33. The list of cases addressed to the Special Rapporteur of the Commission on Human Rights on torture include the following individuals: Magdi Mohammedani (trade unionist, arrested in early February 1994), Sid Ahmed Al-Hussein (a senior member of the Democratic Unionist Party arrested on 20 March 1994), Sara Nugdallah (arrested on 7 April 1994), Abdel Rasul Al-Nur (detained on 9 April 1994), the above-mentioned journalists, Abdel Rahman Farah and Professor Hamad Omar Bagadi (both arrested on 20 May 1994) and former Prime Minister Sadiq Al-Mahdi, arrested several times during the past few years, most recently on 20 June 1994. Some of these arrests were well publicized even by the government-controlled media. Ill-treatment and even torture were reported in most of these cases by independent sources. The Special Rapporteur would emphasize that the number of reports he received in 1994 on victims of arbitrary arrest and detention without due process of law is much higher than mentioned in

the present report and will be addressed in greater detail in the report to the Commission on Human Rights.

34. The Special Rapporteur is especially concerned by the continuous reports of systematic arrest of students. During his visits to Khartoum in September and December 1993, he collected testimony concerning the harsh repression carried out by the security forces in university centres in Khartoum and elsewhere. This practice continued unabated despite international protests and calls upon the Government to cease the practice, including the Special Rapporteur's own report. It was reported that there had been widespread arrests of students of Gezira University in Wad Medani who had allegedly led a demonstration in April 1994. It was also reported to the Special Rapporteur that the administration of Gezira University had dismissed 29 students after they were accused of having participated in demonstrations on 19 and 20 April 1994. The Special Rapporteur considers university students in northern Sudan to constitute an especially vulnerable group which must be given more consideration by the international community than it has received to date.

## B. Violations and abuses committed in 1994 in the context of context of the war in southern Sudan: specific problems regarding certain categories of the population

### 1. Introduction

35. The war in the south erupted in 1983. Since then it has been estimated that at least 1.2 million people have lost their lives, millions more have been internally displaced and hundreds of thousands have fled to neighbouring countries. These figures are increasing daily; for example, in the Koboko area in northern Uganda, a camp for refugees from southern Sudan had a population of approximately 87,000 refugees at the time of the Special Rapporteur's visit in August 1994, with a daily average influx of 400 people for the months of June and July 1994. Local UNHCR officers estimated the influx would increase during the following weeks. Operation Lifeline Sudan estimates that as of August 1994 there are 255,000 Sudanese refugees in Uganda.

36. Refugees from southern Sudan are also to be found in other neighbouring countries. In Ethiopia it is estimated that in January 1994 there were 44,000 Sudanese refugees. In Kenya there is also a significant number of southerners and Nubans; in Kakuma alone there were 28,000 Sudanese refugees at the time of the Special Rapporteur's visit in September 1993, including 11,000 unaccompanied minors out of a total population of 19,000 under the age of 18. According to the Sudanese State Minister for Refugees, Mr. Abdelrahman Sir Elkhatim, who delivered a speech in Geneva on 5 October 1993 at the forty-fourth session of the Executive Committee of the Programme of UNHCR, there are a total of 250,000 refugees in the neighbouring countries.

37. The most exposed categories of the southern population are the children and the women. According to estimates by the United Nations Children's Fund (UNICEF), of the 2.4 million displaced in northern and southern Sudan, there are at least 50,000 children affected by the war. In February 1994 the UNICEF Regional Director for the Middle East and North Africa appealed for temporary

cease-fires to allow immunization teams to reach 800,000 war-affected children in southern Sudan as part of a national campaign to protect the Sudan's 4.5 million children against measles and polio. Most of the children have suffered lasting psychological trauma because they have witnessed fighting, rape, death from starvation, have participated in combat or have witnessed the killing of a close relative.

38. In the war affected areas there continue to be serious violations and abuses committed by agents of the Government of the Sudan and by members of the different SPLA factions against the civilian population; summary execution, torture, rape, kidnapping, looting of goods and burning of houses are some of the violations of humanitarian law that have occurred during the past year. However, there are specific categories of violations of humanitarian law that are of particular concern.

39. First, there has been indiscriminate aerial bombardment of civilian targets by the Government of the Sudan. A new development has been the bombardment of places where the concentration of displaced persons is high.

40. Second, based upon his own findings and on information from several reliable sources, the Special Rapporteur considers the problem of unaccompanied minors and the use of children as soldiers by all parties to still be of great concern, despite repeated calls from the international community to put an end to this practice.

41. Third, the Special Rapporteur also believes that the international community must address the continued interference by all parties in the distribution of humanitarian aid and relief that has direct and immediate effects on the civilian population in the war zones, with priority given to cases where the population concerned is largely or even completely dependent on external relief.

42. Finally, the Special Rapporteur considers it necessary to raise the problem of land mines, which are used by all parties to the conflict, as one which could have in the long term a serious impact on civilians and is directly related to the other categories of violations and abuses addressed above.

43. As mentioned in section II, the legal framework in considering these categories of violations and abuses is article 3 common to the Geneva Conventions and the Protocols thereto and the customary law principle of civilian immunity expressly recognized by General Assembly resolution 2444 (XXIII) of 19 December 1968.

### 2. Indiscriminate aerial bombardments by government forces on civilian targets, including camps for displaced persons

44. Cases in which civilian targets were hit by bombing by the Government of the Sudan in southern Sudan during the last 12 months are well documented by the official reports and press releases of the United Nations agencies working in the field. The Government of the Sudan itself does not contest the fact that

these events took place. What is contested is the indiscriminate character of these actions.

45. In a note dated 23 November 1993 submitted to the Third Committee of the General Assembly concerning agenda item 114 (c); the Government commented on the interim report of the Special Rapporteur as follows:

> "In paragraph 37 of his report the Special Rapporteur made the following remark: 'many reports have been received concerning indiscriminate and deliberate aerial bombardments by Government forces on civilian targets, e.g. camps for displaced persons ...' Here the Special Rapporteur is putting this statement out of context. Deliberate, yes, but they are not indiscriminate. The aerial bombardments took place but against military targets where heavy weaponry is used by the rebels against civilian population. For the record we would like to place that there are no displaced camps in the SPLA controlled areas. All displaced camps are situated in the Northern part of the Sudan for those fleeing the combat zones." 7/

46. During his mission to southern Sudan, the Special Rapporteur visited in September 1993 two major camps for displaced persons in Ame and Kansuk. In Ame there are 42,000 and in Kansuk 9,000 displaced persons. At that time the Special Rapporteur received testimonies in Ame from persons who had fled Kaya following ground troop attacks, which included indiscriminate shelling and bombings by government forces in July-August 1993. After repeated bombings and attacks by government forces in early February 1994 all United Nations and NGO staff were evacuated from the area. The NGO compound was reportedly destroyed. Approximately 70,000 people were displaced towards the Ugandan border.

47. During his visit to the refugee camps in Koboko (northern Uganda) in August 1994, the Special Rapporteur met people who had fled Kaya after the government forces bombed the town and surrounding area on a daily basis during the second half of July and early August 1993. These testimonies confirmed the Special Rapporteur's own findings in September 1993. On 17 July 1993 it was reported that several bombs were dropped on an area with a population of 60,000. Eyewitnesses told the Special Rapporteur that on several occasions government forces dropped drums filled with petroleum and stones, which are particularly destructive. According to the witnesses, at the time of the interview all the displaced persons had left Kaya.

48. Testimonies collected in the Koboko camps also revealed that Kansuk was bombed in June 1994. United Nations agencies working in the field reported hostilities in April and May in Kansuk, Lafon and Moli. During the next month, i.e. July 1994, the Kansuk area was taken by government forces and people from the camp fled.

49. Several testimonies from eyewitnesses whom the Special Rapporteur met also during his visit to the Koboko camps confirmed that indiscriminate bombings on the part of government forces took place in the market of Kajo-Kaji in February 1994. On 6 February 1994 at 2 p.m., when the market was crowded, government bombings killed 17 people, injured several others and destroyed some buildings. According to one eyewitness, the market had previously been bombed

in November 1993, when one disabled person had died. According to refugees arriving in Koboko from that area, Kajo Kaji was bombed weekly between February and May 1994. At the time of these interviews, the latest arrivals from Kajo-Kaji were registered in Koboko in mid-July 1994. United Nations agencies reported in July 1994 that, as a result of the recapture of Kajo-Kaji by government forces on 9 June 1994, an estimated 30,000 people were displaced from the area, with an estimated 22,000 relocating in Jalimo and Mangalatore and an estimated 5,000 crossing the border into Uganda. In Koboko the Special Rapporteur was told by people recently arriving from Mangalatore that the majority of the estimated 11,000 displaced persons in Mangalatore intended to flee for fear of fighting and bombing in the coming months and because of a severe shortage of food, which is primarily the result of regular looting by members of the SPLA-Torit.

50. Several other locations were bombed during this period, including Mundri, Maridi (February 1994), Arapi (46 bombs dropped on 5 February 1994), Nimule (5 bombs dropped on town centre on 1 March 1994), Lobonok, Oma, Korperto, Nyarbanga and Aswa (April 1994). On 24 July 1994, government forces dropped a bomb on a food distribution site in the Mughale camp for displaced persons near Nimule. Following this incident, the use of cross-border routes was suspended by relief organizations, effectively cutting off access to some 100,000 displaced persons in southern Equatoria.

51. As a result of these actions, thousands of people were displaced, subsequently fleeing primarily into Uganda, relief distribution centres were evacuated and relief operations were interrupted.

52. Based upon all the information at his disposal, the Special Rapporteur has concluded that, besides the military explanations for the bombings, which obviously are outside the framework of his mandate, one of the principal objectives of this indiscriminate bombing of civilian targets is to clean determined areas of its population and to prevent displaced persons from settling and becoming self-sufficient. This statement must be regarded within the entire context. According to estimates by the World Food Programme (WFP), at least 3.7 million people in the Sudan are affected by food shortages. The WFP Director of Operations in the Sudan stated in early February 1994 that "most of these people will not be able to feed themselves throughout 1994, and will therefore depend entirely on relief assistance".

53. Displaced persons in Kaya fled after severe bombing by the government forces primarily in Ame during 1993, from where most were forced to leave and seek refuge outside the Sudan. The Department of Humanitarian Affairs reported in February 1994 that

> "[E]scalation of hostilities in southern Sudan, in particular in eastern and western Equatoria, from early February, resulted in the displacement of large numbers of people (approximately 70,000 toward the Ugandan border) and the total disruption of humanitarian operations. Due to attacks and bombings, all United Nations/NGO staff were evacuated from the Triple A camps (Ame, Aswa and Atepi) and Mundri and Maridi areas in early February."

The camp in Kansuk at the time of the Special Rapporteur's visit in September 1993 was well organized, people had just completed building their huts and had begun to cultivate. By the end of the year the area was no longer accessible to Operation Lifeline Sudan flights and, as noted above, the entire Kansuk-Kajo-Kaji area was eventually evacuated as a result of the severe and regular bombardments.

54. In these cases both the indiscriminate and the deliberate character of the operation is incontestable, given the duration of the bombings and their concentration for such a long period on a huge area along the Sudan-Zaire-Uganda border with locations geographically connected and well known by all the parties as particularly affected by displacement.

### 3. Atrocities against civilians committed by all parties to the conflict

55. In his previous reports the Special Rapporteur addressed in detail violations and abuses against civilians committed by all parties in the war zones. In the following paragraphs the Special Rapporteur will concentrate on some events described in testimonies collected during his mission to Uganda and Kenya which demonstrate that the atrocities against civilians have continued in 1994.

56. On 7 June 1994, government troops reportedly attacked Lanya, a village located 50 miles from Juba. Houses were burnt down after the government troops entered the village and an eyewitness told the Special Rapporteur at least 70 civilians, including women and children, were killed. The population of Lanya fled to Uganda.

57. After Kansuk was taken by the Government of the Sudan, more than 100 persons, among them women and children, were taken by the army to Kajo-Kaji. According to an eyewitness, five weeks prior to the interview with the Special Rapporteur, many of these people were still detained in Kajo-Kaji, but some were transported to Juba to be conscripted into the Government of the Sudan's military forces (the eyewitness was able to name two adult males, age 46 and 31 respectively).

58. On 27 June 1994, government troops entered Jalimo for two hours, where at least 10,000 displaced persons were located as a result of the fall of Kajo-Kaji on 9 June 1994. During this incident three men and three women were shot and killed and seven women were taken by the government troops to Kajo-Kaji. An eyewitness claimed that all civilians fled Jalimo, which remained under SPLA control.

59. The Special Rapporteur received numerous testimonies from victims of abuses committed by members of different SPLA factions. Most of the individuals who spoke to the Special Rapporteur complained of looting by SPLA, forcing women to cook for them and regularly taking men for military training. In locations such as Nimule and Kajo-Kaji prior to the Government take-over, SPLA-Torit regularly conscripted people. A witness told the Special Rapporteur that in August 1993 a mentally disabled woman called Yangi, age 30, was shot to death in Omdukori

after resisting an attempted rape by SPLA soldiers. Another case of attempted rape by an SPLA soldier in Chucudum in March 1994 was reported to the Special Rapporteur. According to the source, the man was lynched by local people after being caught.

60. At the beginning of July 1994, the dissident SPLA-Nasir commander Cherubino, with approximately 200 fighters (both Nuer and Dinka), captured locations in northern Bahr al Ghazal, including Mayen Abun, Turalei, Maper, Awng, Mayok and Pannyok. The consequences of the fighting were dire. For example, on 16 July, one day after the town was reportedly recaptured by SPLA-Torit forces, an Operation Lifeline Sudan aircraft returned to Lokichokio after being held in Mayen Abun by SPLA. As a result of the fighting, NGO equipment and relief supplies were destroyed and looted. Following heavy fighting, Cherubino's forces were expelled northward by SPLA-Torit. According to various sources, the fighting led to a large number of victims; at least 200 civilians were killed, although some of the sources put the figure much higher. Some of the sources spoke of 2,000 victims who were killed during the fighting. Large-scale looting was also reported. Some sources reported that "children were even robbed of the milk they were about to drink".

61. The Special Rapporteur also received reports on inter-Nuer fighting along the river Sobat in February-March 1994. Allegedly the Lou and Jekany clans of the Nuer tribes fought for grazing lands and burnt down some villages. Reportedly 9,000 people were displaced when the fighting intensified in April and May.

### 4. Unaccompanied minors

62. While it is difficult to estimate the number of unaccompanied minors in the south, it is even more difficult to estimate the number of those unaccompanied minors who are receiving military training or who are being sent to fight. Although it cannot be stated that all unaccompanied minors are trained, it can be stated that all unaccompanied minors are potential targets of such training. This is true for the north as well as for the south. In this section the focus will be only on recent developments concerning the situation of these minors brought to the attention of the Special Rapporteur. As noted above, UNICEF estimates put the number of children affected by the war in southern Sudan at 500,000.

63. According to independent sources which contacted the Special Rapporteur in August 1994, during November-December 1993 all the children from the primary schools in Nimule were "rounded up and some of them were conscripted by SPLA-Torit". The same sources told the Special Rapporteur that in December 1993-January 1994 approximately 2,000 children were removed from Palotaka to Lobone by SPLA-Torit. Various reports of United Nations agencies put the figure at 3,500 minors. Other sources, while admitting that unaccompanied minors were in Lobone, considered the number to be far lower than 2,000. Educational materials were not requested, nor did NGOs have access to Palotaka. One eyewitness told the Special Rapporteur that in March-April 1994 children in Palotaka were forced to defend the compound.

64. The same sources told the Special Rapporteur that in 1993 a new camp was built in Natenga for children who left the Kakuman camp in Kenya. According to these reports, more than 1,000 children were to be found at the time of the interview. The source also noted that, in that location, which in fact is a stop-over on the road between Narus and Chucudum, there were only some barracks used by SPLA-Torit. A high-ranking SPLA-Torit official told the Special Rapporteur in Nairobi on 2 August 1994 that in Natenga there were at least 500 children who had left Kakuma.

65. An independent source told the Special Rapporteur that in Natenga there was "a mixture of education and military training, but the general practice is that only boys older than 14 can be conscripted into the fighting units of SPLA". This source believed that the number of children in Natenga at the time of the interview (1 August 1994) might be in the thousands.

66. Six hundred unaccompanied minors fleeing from the clan-fighting in Nasir in May and temporarily located in Malual were moved by SPLA-Torit to Maiwut on 4 June for reasons of security and better accessibility.

67. In a meeting with the Special Rapporteur in Nairobi on 2 August 1994, Commander Salva Kiir stated that SPLA-Torit is committed and in fact does respect the provision of the Convention on the Rights of the Child that requires State parties to refrain from recruiting any person who has not attained the age of 15. He indicated to the Special Rapporteur that the SPLA-Torit (mainstream) leadership was prepared to release an official statement to declare publicly that position. As of 1 October 1994, the Special Rapporteur is unaware of any statement to this effect being issued by the SPLA-Torit leadership.

68. With respect to the Government of the Sudan, the use of children in armed conflicts will be addressed in the final report to be presented to the Commission on Human Rights in February 1995.

### 5. Incidents concerning the distribution of relief in which all parties to the conflict bear responsibility and which constitute a grave violation of international humanitarian law

69. A succinct analysis of reports issued by the organizations affected, including United Nations agencies and NGOs providing humanitarian assistance in southern Sudan, reveals that looting of humanitarian convoys or goods stored in different locations in the south has become the order of the day. In some of the cases local SPLA commanders of the various factions bear the responsibility. The intervention of higher commanders, following a protest of the organization concerned, may result in the restitution of the goods, but in other cases the goods are lost forever. In other cases unidentified gunmen attacked stores and took away goods intended to be distributed for displaced people; such cases were reported to the Special Rapporteur during his visit in Wau in September 1993. In May 1994 the first WFP relief train left Babanusa on 25 May carrying 1,500 tons of food and non-food items for delivery to an estimated 70,000 displaced people along the rail corridor and in Wau. The train was subjected to heavy

looting of food by civilians and soldiers in Government- and SPLA-held areas. As a result of this looting, the train returned to Babanusa from Aweil.

70. The reason the Special Rapporteur considers it necessary to address these issues is that in a number of cases people in emergency situations have been deprived of the most basic items needed to survive. In Juba in February 1994, food shortages resulted in the death of 65 children in a two-week period, while parts of the population reportedly resorted to eating wild fruits. During the first week of April, five more children died of malnutrition in the Juba hospital. During the first week of May, 28 hunger-related deaths of children were reported in Juba. During the same period, two to four children died from malnutrition every day in Mariel Ajeith camp in Wau. A nutrition survey in Waat revealed a high rate of malnutrition and death among children under five attributable to the lack of food. A United Nations agency working in the field reports that in June 1994 some "12,000 children were enrolled in wet-feeding programmes and the 61 supplementary feeding centres in Juba were forced to turn away people seeking help, including young children and pregnant and lactating mothers, owing to depleted food stocks".

71. The situation has been especially tragic for years in the town of Wau. In July about five hunger-related deaths were reported every day. The town is accessible only by air and sometimes by train convoys from Babanusa, which usually are looted. The Special Rapporteur visited camps for displaced persons around Wau in September 1993 and saw people, mainly women, children and the elderly, who were in very bad health and who complained to the Special Rapporteur that food was distributed arbitrarily. People from the two camps visited, Mariel Ajeith and the Eastern Bank camp, told the Special Rapporteur that there were periods when food was not distributed at all for days.

72. While the different factions of SPLA must bear responsibility for the lootings committed by local commanders, the Government of the Sudan is responsible for an arbitrary policy of denying access, including flight clearance, to areas that have a clear and incontestable need for humanitarian assistance. However, a distinction must be made between two separate situations. First, there is the arbitrary denial of flying clearance to zones in urgent need of assistance without any reasons being given by the Government or based upon unjustified "security" reasons. In many cases these zones are the same as those from which there are subsequent reports of serious violations being committed by the Government of the Sudan. For example, in July 1994, WFP suspended food distributions to Juba, Wau, Bor Torit, Abyei and Meiran as a result of the refusal of the Government to issue travel permits to those locations for WFP field officers to monitor food distribution. Distribution resumed in August 1994 following the requested approval of the Government of the Sudan. Second, there is the constant and often unjustified denial of any access to certain zones such as the Nuba Mountains. In May 1994, WFP was still waiting for government approval to post an international food monitor in Kadugli. The approval was finally received for a six-month period. The part of the Nuba Mountains under the control of SPLA has been cut off completely from the outside world for years. To deny international access to this area has been a consistent policy of the Government of the Sudan for years.

73. A recent report of the Department of Humanitarian Affairs states:

> "A WFP barge convoy along the Nile River corridor was stopped at gunpoint by SPLA-Torit soldiers in the Jonglei area of Upper Nile on 6 June and about 2,000 tons of food and non-food relief supplies were looted. Eleven WFP and UNICEF staff members were forced off the barge and detained incommunicado for eight days. The United Nations staff were released unharmed on 14 July and the barge convoy and crew returned to Malakal. The convoy, originally destined for Juba, had departed Kosti with 2,400 tons of relief items for delivery to affected civilian populations in Government- and SPLA-held areas along the river corridor. ... The report of the WFP crew aboard the relief train looted numerous times along the Babanusa-Wau rail corridor between 26 and 31 May indicates that 59 per cent of the total cargo (850 tons of food) was seized in SPLA-held areas. The food seized in Government-held areas amounted to 7.3 per cent (104 tons) of the total cargo. Due to the heavy looting, only 485 tons of food could be distributed in previously agreed-upon drop-off points along the rail corridor in Government- and SPLA-held areas."

These are only two examples of the numerous incidents that were reported during 1994.

## 6. The problem of land-mines

74. The use of land-mines is not yet widespread in southern Sudan. However, the Special Rapporteur has chosen to address the issue at this time because of a fear that land-mines could become a serious problem for displaced civilians in the near future.

75. On 11 August 1994 Operation Lifeline Sudan reported that WFP had temporarily suspended road convoys into eastern Equatoria from Lokichokio because of a land-mine incident on 28 July in which two WFP vehicles hit land-mines north of Napotpot in eastern Equatoria, resulting in serious injuries to one driver.

76. It has been reported to the Special Rapporteur that the towns of Kaoeta and Juba are particularly affected by this problem. During the Special Rapporteur's visits to locations around Dilling and Kadugli as well as in Ayod, Lafon, Kongor, Kansuk and Kajo-Kaji in September and December 1993, the officers in charge of his security were particularly concerned about this issue. The Special Rapporteur has learned that all parties to the conflict in the south and the Nuba Mountains are using land-mines, with a high prevalence among government forces.

## 7. The question of the repatriation of southerners

77. The Special Rapporteur has received alarming reports regarding the repatriation of displaced southerners, mainly from around camps in Khartoum. The Government-controlled Al Ingaz al Watani reported on Saturday, 25 June 1994, in Khartoum:

"Four trains have arrived in Wau recently carrying members of the North Bahr al Ghazal State government and a number of the people who had fled the area during the war. Before leaving Wau, the Wali of North Al Ghazal State said 'The war is over in northern Bahr al Ghazal, and the stage of building and repatriation had just begun.' He has called upon the people of the State to start working in order to realize self-sufficiency without paying attention to the lies and allegations of the agents and the outlaws. The Wali said the next period would witness military and political integration for the sake of realizing more stability and attracting those who had been deceived by the rebels and the allegations of the arrogant countries. It is to be mentioned that the Northern Bahr al Ghazal government left for Aweil (the capital) last week accompanied by more than 15,000 persons who fled the area during the war time. They reached Aweil safely without being exposed to any threats while they were on their way."

78. The Special Rapporteur received information that in July 1994 scores of people, mainly children and women from displaced camps around Khartoum, were put on barges and transported to Malakal, where they were forced at gunpoint to leave the town towards SPLA-controlled zones. Reports by United Nations agencies in April-May 1994 reveal that the Peace and Development Foundation is coordinating the "voluntary return of approximately 2,000 displaced families from Khartoum to areas of origin in the Upper Nile State". The programme will repatriate 626 families to Wakakona, 124 families to Renk and 1,245 families to Malakal, with the collaboration of national and international NGOs.

79. While the idea of the repatriation of southerners and Nubans to their homelands is to be welcomed, the Special Rapporteur is very much concerned of the reports he received on the manner in which this activity is being carried out in some of the cases brought to his attention. In 1993 the Special Rapporteur spoke to many people in camps around Khartoum who ardently wanted to return to their native villages, including Nubans who had been in Khartoum for more than five years. Based on these discussions, and information concerning the movements of people inside northern Sudan, the Special Rapporteur is convinced that southerners and Nubans in the north are ready to return to their homes as soon as the necessary political and security conditions exist.

80. The Special Rapporteur received information that in the monthly meeting between the United Nations, international NGOs and the Government of the Sudan on 5 July 1994, the Government invited the NGOs to form a working group on their role in the rehabilitation of southern Sudan. The Special Rapporteur would note in this respect that continuous and unimpeded international monitoring and assistance is very much desired in the process of the repatriation of groups of southerners and people from the Nuba Mountains in the event that such activities do take place in the future.

## IV. CONCLUSIONS AND RECOMMENDATIONS

### A. Conclusions

81. Since the renewal of his mandate by the Commission on Human Rights in March 1994, the Special Rapporteur has received information and reports about the violation of the whole range of universally recognized human rights in the Sudan. The Special Rapporteur has had no access to the Sudan during this period, for reasons never adequately explained by the Government. As explained above, the Special Rapporteur has received no response to his letter dated 1 August 1994 addressed to the Permanent Mission of the Sudan in Geneva requesting permission to visit the Sudan.

82. The Special Rapporteur carried out a mission to Uganda, Kenya and Egypt in order to meet representatives of United Nations agencies, international NGOs and Sudanese organizations operating in these countries and individuals, principally Sudanese refugees, and to receive testimony about the current situation of human rights in the Sudan. This testimony was corroborated with information derived from independent sources and resulted in the descriptions set forth in the present report.

83. On the basis of all information received, the Special Rapporteur concludes, as he did in his previous reports submitted to the General Assembly and the Commission on Human Rights, that grave and widespread violations of human rights by government agents, as well as abuses by members of different SPLA factions in zones controlled by them, continue to take place, including extrajudicial killings, systematic torture and widespread arbitrary arrests of suspected political opponents. Women and children continue to be among the most vulnerable groups targeted deliberately by agents acting for and in the name of the Government of the Sudan. The situation of children, women and students is considered by the Special Rapporteur to be so alarming that he will dedicate considerable attention to this in his final report to the Commission on Human Rights in February 1995. According to numerous reports, the situation of students has deteriorated during the last year, with more and more becoming victims of repression by the security and police forces.

84. The Special Rapporteur wishes to emphasize again that, according to information available to him, almost all aspects of life are concerned and that potentially all categories and strata of the population are affected by violations of human rights committed by agents of the Government or by abuses against the life, security and freedom of the individual committed by all parties to the armed conflict in the south.

85. The Special Rapporteur is very disappointed by the fact that he cannot report any improvement of the situation of human rights in the Sudan; to the contrary, all the facts demonstrate that in specific zones of southern Sudan, such as Bahr al Ghazal or certain areas in western and eastern Equatoria, the situation has deteriorated owing to intensified and regular bombardment of civilian targets by the Government.

86. In the light of the above, the Special Rapporteur concludes that the seriousness of the human rights situation in the Sudan calls for continuing and

intensified monitoring. The Special Rapporteur will examine in the final version of his report to the Commission on Human Rights in February 1995 the possibility of a proposal of placing full-time human rights monitors in certain areas, such as the conflict zones in the south, and in conjunction with this the creation of tranquillity areas, which would be an extension in time and space of the tranquillity corridors agreed upon in Nairobi by the parties to the conflict on 23 May 1994, in order to prevent the further displacement of civilians and to decrease at least for the short term the flow of Sudanese refugees to the neighbouring countries.

87. It must be noted in this regard that representatives of SPLA-Torit (mainstream) and SPLA-Nasir (united) who met the Special Rapporteur during his recent mission admitted the existence of most of the abuses reportedly committed by some of their members and have shown a commitment to investigate these cases and generally to improve the situation. The Special Rapporteur arrived at the conclusion that a constant and direct monitoring of the situation could have a beneficial effect on the lives of the civilian population.

## B. Recommendations

88. Facing this situation the Special Rapporteur recommends that:

(a) The Government of the Sudan abide by its human rights obligations under international law and take steps to give effect to the recommendations made by previous General Assembly and Commission on Human Rights resolutions on the situation of human rights in the Sudan;

(b) The Government cease immediately the deliberate and indiscriminate aerial bombardments of civilian targets;

(c) The Government ratify the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, accede to the Convention on the Elimination of All Forms of Discrimination against Women and finally sign the First Optional Protocol to the International Covenant on Civil and Political Rights and the Second Protocol to the Geneva Conventions;

(d) The Government ensure that its security forces, army, police forces, popular defence forces and other paramilitary or civil defence groups be properly trained and act in compliance with the standards set forth under international law, and that those responsible for violations be brought to justice. In this connection, the Special Rapporteur calls for a thorough investigation of all reported cases of violation, in particular those involving women and children as victims;

(e) The Government give free access to regional and international humanitarian and human rights organizations throughout the country, in particular in the Nuba Mountains and the towns of southern Sudan;

(f) The Government carry out immediate investigations into previously reported human rights violations in the Nuba Mountains and other Government-controlled areas in southern Sudan;

(g) The Government and the other parties involved in the armed conflict in central and southern Sudan be urged to agree as soon as possible on a cease-fire and to intensify their efforts to come to a peaceful solution. The Special Rapporteur further calls upon all parties to the conflict to prevent violence by its agents against civilians, including torture and extrajudicial executions, arbitrary detention and other deliberate and arbitrary killings. He calls upon all parties to apply strictly the agreements reached with Operation Lifeline Sudan regarding unimpeded delivery of relief to those in need;

(h) The Government address the problem of displacement and create appropriate conditions for displaced persons and Sudanese refugees in some neighbouring countries to return to their homelands.

## Notes

1/ E/CN.4/1994/48.

2/ In the present report, the Special Rapporteur will refer to these movements by the abbreviations SPLA-Torit and SPLA-Nasir since most of the internationally available sources refer to them in this manner. It should be noted however that the agreement with the Government of the Sudan on principles and objectives of humanitarian assistance was signed by "The Sudan People's Liberation Movement and Sudan People's Liberation Army (SPLM/SPLA)" and "The Sudan People's Liberation Movement and Sudan People's Liberation Army - United (SPLM-SPLA-United) at Nairobi on 23 March 1984, in the presence of representatives of IGADD.

3/ A/48/601.

4/ E/CN.4/1994/48, paras. 38-40.

5/ E/CN.4/1994/26, para. 462.

6/ E/CN.4/1994/48, para. 44.

7/ A/C.3/48/17.

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